IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 1458 OF 2005

Anil S. Bhovad ..... Petitioner.

versus

Milind Shinde and others ..... Respondents.

.....

Shri A.M.Ranpise for the petitioner.
Shri S.V.Marwadi with Ms. Sunita Sharma for Respondent.
Ms. P.H.Kantharia APP for State.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 4TH MARCH, 2005.

P.C.;

1. By this application, the applicant who is contemnor in the Contempt proceedings in Criminal Application No. 606/04 seeks action for Contempt of Courts against police official, who according to him detained the petitioner inspite of the interim order dated 3-2-2005 passed by this court. The order was not available for being produced before the police on the next day. The police therefore detained the petitioner for about 24 hours and more. The complaint is, this is willful disobedience of the order dated 3-2-2005 and therefore action should be initiated. For willful disobedience of an order, the order must be factually served on the

parties. Apart from that there can be bonafide belief that the order is not yet passed or is not what it is said to be and therefore the detention may have occured. The petitioner has also remedies for wrongful detention and malacious prosecution in the face of such opportunity where factually it can be proved that the respondent no.4 acted with malacious. We at this juncture see no reason to take any action for contempt of court for violation of Article 21 of the Constitution of India. Hence application is rejected. List the application No.482/05 and 606/04 for further hearing and orders on 15-3-2005.

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